

 THE CITY OF NORFOLK POLICE DEPARTMENT	Administrative General Order – 230: Grievance File Maintenance		
	Office of Preparation: Office of Support Services (adr)		
	CALEA:	22.4.1, 22.4.2, 22.4.3	
LEGAL REVIEW DATE:	12/31/2019	PREScribed DATE:	01-16-2020
City Attorney:	<i>[Signature]</i>	City Manager/Director of Public Safety:	3A/2H
APPROVED BY THE AUTHORITY OF THE CHIEF OF POLICE:		<i>[Signature]</i>	

Purpose

The purpose of this directive is to establish a procedure for the separate filing and maintenance of records relating to an employee grievance.

Policy

The policy established by this directive is intended to maintain the records relating to individual employee grievances, presented under the City's Employee Grievance Procedure, in files separate from the employee's personnel, training, and Office of Professional Standards (OPS) files, and any other departmental files devoted to the individual employee.

Supersedes:

1. G.O. ADM-230, dated September 23, 2015
2. Any previously issued directive conflicting with this order

Order contents:

- I. Division Responsible for Maintenance of Grievance Files
- II. Procedure
- III. Retention and Use of Individual Grievance Files

- I. Division Responsible for Maintenance of Grievance Records (CALEA 22.4.2)
 - A. The commanding officer of the Office of Professional Standards (OPS) will be responsible for maintaining all files pertaining to individual employee grievances filed under the City's Employee Grievance Procedure.
 - B. The commanding officer of OPS will designate a grievance coordinator responsible for the maintenance and annual analysis of employee grievance files.
- II. Procedure (CALEA 22.4.1, 22.4.2)
 - A. Upon the initial presentation of an individual employee grievance in writing under the City's Employee Grievance Procedure, the grievance form or correspondence will be immediately forwarded through the Office of the Chief of Police to the Office of Professional Standards, which will open a file pertaining to the grievance. Individual commands may maintain files containing copies of grievance information provided:
 - 1. All original correspondences of information kept in command files are forwarded as described above.
 - 2. Notations of retained copies accompany originals.
 - 3. When the grievance is resolved, all command grievance files will be forwarded to OPS for storage or disposal.
 - B. Each grievance file will be designated with the employee's name (Last, First, MI.), followed by the grievance case number to correspond with the Office of Professional Standards investigative file number, (e.g. Doe, John J. GR2015-0001). If a corresponding OPS file does not exist, a grievance number will be obtained from the Department of Human Resources. Files will be maintained by employee name.
 - C. All records transmitted between the department, the employee, human resources, and the city manager will be maintained in this file. This will include all printed grievance forms, all attachments to them, all correspondence upon which the employee is copied, and the panel decision, if any. Privileged attorney-client communications between the department and the City Attorney's Office and work papers not provided between the department and the employee are not to be placed in this file.
 - D. The following actions will be completed subsequent to the findings of the Employee Grievance Panel:
 - 1. If a grievance is resolved in favor of the department, no modification will be made regarding any other files pertaining to the individual employee.
 - 2. If the resolution of the grievance requires modification of the department's action, which was the subject of the grievance, and if such action (e.g. discipline) was indicated by correspondence placed in some other departmental file pertaining to the individual employee (e.g. personnel, training, or OPS file), such correspondence will be removed from such other files.
 - 3. If the departmental action was reversed in its entirety, a notation cross-referencing the grievance file number will be placed in the corresponding file without further explanation.
 - 4. If the resolution of the grievance involves a partial modification of the departmental action, the original correspondence indicating such action will be

removed from other departmental files and placed in the grievance files. Correspondence indicating the modified action will be placed in the applicable departmental files with a note cross-referencing them to the grievance file.

III. Retention and Use of Individual Grievance Files (CALEA 22.4.3)

- A. Grievance files will be maintained, retained, and disposed in the manner described in the Library of Virginia Records Retention and Disposition Schedule.
- B. Under no circumstances will any grievance file be used independently for the evaluation of any employee for purposes of promotion, assignment, or other condition of employment. The contents of such files may be used, if relevant, for the following:
 - 1. To establish notice to the employee.
 - 2. To respond to subpoenas, orders of courts and administrative agencies, or other lawful requirements.
 - 3. To explain the resolution of departmental actions if challenged.
- C. When any disciplinary action imposed by the department has been reversed or modified by a grievance panel, only the modified disciplinary action may be indicated in other departmental files.
- D. The designated grievance coordinator will conduct an annual analysis of the filed grievances as well as supporting policies and practices. The grievance coordinator will report to the commanding officer any trends that are observed that may reveal agency problems. Steps will be taken to minimize the causes of such grievances in the future.